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REMARKS

The claims have not been amended and thus claim 1-10 remain pending in the subject application. Applicants respectfully request reconsideration of claims 1-10 in view of the remarks below.

By way of this response, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Claim Rejections - 35 U.S.C. §103

1. The Examiner has rejected claims 1-10 under 35 U.S.C. 103(a) citing the combination of U.S. Patent No. 6,760,043 (Markel) and U.S. Patent No. 5,909,551 (Tahara et al.). Applicants respectfully submit, however, that the Markel patent cannot be applied as prior art against the subject application. The subject application has a priority date that predates any of the priority dates of the Markel patent. Specifically, the subject application claims priority to U.S. Patent Application Serial No. 09/644,669, filed August 24, 2000, which further claims priority to U.S. Provisional Application Serial No. 60/220,397, filed July 24, 2000 (see at least page 1, lines 6-14 of the subject application as filed). The 60/220,397 provisional application provides support for claims 1-10.

The earliest priority date of the Markel patent is August 21, 2000. Therefore, the Markel patent cannot be applied as prior art against the subject application.

Further, as indicated above, the subject application also claims priority to Application Serial No. 09/644,669 filed on August 24, 2000, which predates two of the three priority provisional applications from which the Markel patent claims priority. Still further, the one priority provisional application of the Markel patent filed August 21, 2000 fails to fully support the Markel patent according to 35 U.S.C. 112, and fails to teach claims 1-10 of the subject

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application. Therefore, the Markel reference cannot be applied as a reference in rejecting the subject application.

Because the Markel reference cannot be applied as prior art against the subject application, claims 1-10 are not obvious in view of the Tahara reference. Therefore, claims 1-10 are in condition for allowance and Applicants respectfully request a notice of allowance.

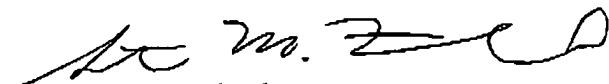
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CONCLUSION

Applicants submit that the above remarks demonstrate that the pending claims are in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

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Respectfully submitted,



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